

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAFAEL RODRIGUEZ AND
KRISTINA RODRIGUEZ,

CASE NO.:

Plaintiffs,

v.

WELLS FARGO HOME MORTGAGE,

Defendant.

NOTICE OF REMOVAL

Defendant Wells Fargo Bank N.A. (“Wells Fargo”), through its attorneys and pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446 and D.N.M. L.R.-Civ. 81.1, removes the above-captioned civil action from the Second Judicial District Court, County of Bernalillo, New Mexico to the United States District Court for the District of New Mexico. The grounds for removal are as follows:

1. Plaintiffs Rafael Rodriguez and Kristina Rodriguez (“Plaintiffs”) commenced this action against Wells Fargo in the Second Judicial District Court, County of Bernalillo, New Mexico on January 30, 2024 (“State Court Action”). A copy of the Summons and Complaint is attached as **Exhibit 1**.

2. Wells Fargo was served a copy of the Summons and Complaint on January 31 2024. *See* Ex. 1. Accordingly, removal is timely under 28 U.S.C. § 1446(b).

3. Pursuant to 28 U.S.C. § 1441(a), this Court is the appropriate forum in which to file this Notice of Removal because the United States District Court for the District of New Mexico is the federal judicial district embracing the Second Judicial District Court, County of Bernalillo, New Mexico, the court in which the State Court Action was filed.

4. In the Complaint, Plaintiffs allege that “Wells Fargo reported a late payment to the credit reporting agencies causing our credit scores to drop” and the “Fair Credit Act states that they will not report for 60 days for home loan transfers.”

5. Accordingly, the State Court Action involves as least one federal question claim, as Plaintiffs’ Complaint asserts a violation of the federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.* Under 28 U.S.C. § 1331.

6. This Court has original jurisdiction over FCRA claims because they arise under the laws of the United States.

7. Under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over all other claims in the State Court Action, if any, because they are so related to the claims over which this Court has original jurisdiction under 28 U.S.C. § 1331 that they form part of the same case or controversy.

8. Pursuant to 28 U.S.C. § 1446, counsel for Wells Fargo has caused a copy of this Notice of Removal to be filed in the State Court Action. A copy of the state court notice is attached as **Exhibit 2**.

9. Pursuant to D.N.M. L.R.-Civ. 81.1(a), copies of all records and proceedings from the State Court Action are attached to this Notice of Removal. The Summons and Complaint are attached as Ex. 1. All other documents filed in the State Court Action are attached as **Exhibit 3**.

WHEREFORE, Wells Fargo requests that this Notice of Removal be filed, the State Court Action be removed to and proceed hereafter in this Court, and no further proceedings be had in the State Court Action.

Dated this 1st day of March, 2024.

Respectfully Submitted,

SNELL & WILMER L.L.P.

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Attorneys for Defendant Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I certify that on March 1, 2024, I filed the foregoing document electronically through the CM/ECF system, which caused the following parties to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Rafael Rodriguez
Kristina Rodriguez
4720 Sandpoint NW
Albuquerque, New Mexico 87114

s/Gregory J. Marshall
Gregory J. Marshall